



The Journal OF THE *House of Representatives*

Number 24

Tuesday, February 18, 2020

First Reading of Committee and Subcommittee Substitutes by Publication

By the Commerce Committee; and Local, Federal & Veterans Affairs Subcommittee; Representatives McClain, Hill, and Sabatini—

CS/CS/HB 203—A bill to be entitled An act relating to growth management; amending s. 57.112, F.S.; deleting a provision that prohibits specified attorney fees and costs from applying to local ordinances adopted pursuant to the growth policy act; amending s. 163.3167, F.S.; specifying requirements for certain comprehensive plans effective after a specified date and for associated land development regulations; amending s. 163.3168, F.S.; requiring the Department of Economic Opportunity to give a preference to certain counties and municipalities when selecting applications for funding for technical assistance; amending s. 163.3177, F.S.; requiring the comprehensive plan to include a property rights element; providing a statement of rights that a local government may use; requiring local government to adopt a property rights element by a specified date; providing that a local government's property rights element may not conflict with the statutorily provided statement of rights; amending s. 163.3237, F.S.; providing that certain property owners are not required to consent to development agreement changes under certain circumstances; amending s. 171.042, F.S.; prohibiting a municipality from annexing specified areas under certain circumstances; amending s. 180.02, F.S.; providing conditions under which a municipality may exercise certain powers to provide water and sewer services within the unincorporated area of a county; amending s. 337.401, F.S.; providing a timeframe for processing permit applications for use by right-of-way by utilities; amending s. 380.06, F.S.; authorizing certain developments of regional impact agreements to be amended under certain circumstances; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; Children, Families & Seniors Subcommittee; and Civil Justice Subcommittee; Representatives Killebrew, Eskamani, Geller, Mercado, Polsky, and Sabatini—

CS/CS/CS/HB 209—A bill to be entitled An act relating to emotional support animals; creating s. 760.27, F.S.; providing definitions; prohibiting discrimination in housing provided to a person with a disability or disability-related need for an emotional support animal; specifying that such person may not be required to pay extra compensation for such animal; providing an exception; authorizing a housing provider to request specified information under certain circumstances; providing restrictions for such request; specifying liability for owners of emotional support animals relating to damage done by his or her emotional support animal; providing applicability; amending s. 413.08, F.S.; providing applicability; amending s. 456.072, F.S.; prohibiting a health care practitioner from providing information for an emotional support animal without personal knowledge of a person's need for

the animal; amending s. 760.22, F.S.; revising the definition of the term "handicap"; amending ss. 419.001, 760.23, 760.24, 760.25, 760.29, and 760.31, F.S.; revising the term "handicap" to "disability" to conform to changes made by the act; creating s. 817.265, F.S.; prohibiting the falsification of information or other fraudulent misrepresentation regarding the use of an emotional support animal; providing penalties; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Commerce Committee; Civil Justice Subcommittee; and Business & Professions Subcommittee; Representatives Toledo, Antone, DiCeglie, Killebrew, McClain, and Sabatini—

CS/CS/CS/HB 283—A bill to be entitled An act relating to liens and bonds; amending s. 255.05, F.S.; requiring that a copy of a notice of nonpayment be served on the surety; prohibiting a person from requiring a claimant to furnish a certain waiver in exchange for or to induce certain payments; providing that specified provisions in certain waivers are unenforceable; providing an exception; revising the process for notarizing a notice of nonpayment; requiring service of documents to be made in a specified manner; amending s. 337.18, F.S.; providing that certain waivers apply to certain contracts; requiring service of documents to be made in a specified manner; amending s. 713.01, F.S.; revising definitions; amending s. 713.09, F.S.; authorizing a lienor to record one claim of lien for multiple direct contracts; amending s. 713.10, F.S.; revising the extent of certain liens; amending s. 713.13, F.S.; revising information to be included in a notice of commencement; revising the process for notarizing a notice of commencement; amending s. 713.132, F.S.; revising requirements for a notice of termination; amending s. 713.18, F.S.; requiring service of documents relating to construction bonds to be made in a specified manner; making technical changes; amending ss. 713.20 and 713.235, F.S.; prohibiting a person from requiring a lienor to furnish a certain waiver or release in exchange for or to induce certain payments; providing that specified provisions in certain waivers or releases are unenforceable; providing an exception; amending s. 713.23, F.S.; requiring that a copy of a notice of nonpayment be served on the surety; revising the process for notarizing a notice of nonpayment under a payment bond; amending s. 713.29, F.S.; authorizing attorney fees in actions to enforce a lien that has been transferred to security; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Commerce Committee; and Business & Professions Subcommittee; Representative Fetterhoff—

CS/CS/HB 343—A bill to be entitled An act relating to recreational vehicle industries; amending s. 513.012, F.S.; revising legislative intent; amending s. 513.02, F.S.; providing a timeframe for the application of a

permit; amending s. 513.051, F.S.; preempting to the Department of Health the regulatory authority for permitting standards; amending s. 513.112, F.S.; providing that evidence of a certain length of stay in a guest register creates a rebuttable presumption that a guest is transient; amending s. 513.1115, F.S.; providing standards for a damaged or destroyed recreational vehicle park to be rebuilt under certain circumstances; superseding certain ordinances or regulations; amending s. 513.115, F.S.; specifying when certain property becomes abandoned; providing for disposition of such property; amending s. 513.118, F.S.; authorizing a park operator to refuse access to the premises and to eject transient guests or visitors based on specified conduct; providing that a person who refuses to leave the park premises commits the offense of trespass; providing immunity from liability for certain law enforcement officers; providing an exception; providing for removal of property; amending s. 513.13, F.S.; providing for ejection from a recreational vehicle park and specifying grounds and requirements therefor; providing for removal of property; amending s. 527.01, F.S.; defining the term "recreational vehicle"; amending s. 527.0201, F.S.; requiring the Department of Agriculture and Consumer Services to adopt rules specifying requirements for agents to administer certain competency examinations and establishing a competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles; authorizing certain qualifiers and master qualifiers to engage in activities solely related to the service and repair of recreational vehicles; requiring verifiable LP gas experience or professional certification by an LP gas manufacturer in order to apply for certification as a master qualifier; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Commerce Committee; and Insurance & Banking Subcommittee; Representatives LaMarca and C. Watson—

CS/CS/HB 1077—A bill to be entitled An act relating to the Department of Financial Services; amending s. 20.121, F.S.; specifying powers and duties of the Division of Public Assistance Fraud; creating s. 284.45, F.S.; defining the term "sexual harassment victim"; prohibiting an individual working for an entity covered by the State Risk Management Trust Fund from engaging in retaliatory conduct against a sexual harassment victim; prohibiting the release of personal identifying information of sexual harassment victims; providing criminal penalties; amending s. 497.101, F.S.; revising provisions relating to membership of the Board of Funeral, Cemetery, and Consumer Services; creating s. 497.1411, F.S.; providing definitions; providing for permanent disqualification of applicants for licensure under ch. 497, F.S., upon conviction of certain offenses; providing for disqualifying periods for such applicants who have been convicted of certain offenses; requiring rulemaking; providing for calculation of disqualifying periods; providing for applicants to show rehabilitation after completion of a disqualifying period; providing for the effect of a pardon or clemency; providing for exemptions from disqualification in certain circumstances; providing procedures for consideration of applications for such exemptions; providing an exemption from disqualifying periods for certain applicants; providing construction; amending s. 497.142, F.S.; revising provisions relating to criminal background checks for applicants under ch. 497, F.S.; amending s. 497.157, F.S.; prohibiting persons from acting as or advertising themselves as being certain persons unless they are so licensed; prohibiting persons from engaging in certain activities requiring licensure without holding required licenses; providing criminal penalties; amending s. 497.159, F.S.; deleting provisions relating to criminal penalties for persons engaging in activities requiring a license under ch. 497, F.S.; amending s. 497.459, F.S.; revising provisions relating to notice to purchasers of preneed contracts; amending s. 552.081, F.S.; revising the definition of two-component explosives for the purpose of regulation by the Division of State Fire Marshal; amending s. 553.7921, F.S.; revising requirements for repair of an existing alarm system that was previously permitted by a local enforcement agency; amending s. 633.102, F.S.; revising provisions relating to licensure for design, installation, and alteration of fire sprinklers; amending s. 633.202, F.S.; extending a repeal date for provisions concerning doorstep refuse and

recycling collection containers in certain apartment complexes; creating s. 633.217, F.S.; prohibiting certain actions to influence a firesafety inspector into violating certain provisions; prohibiting a firesafety inspector from knowingly and willfully accepting an attempt to influence the firesafety inspector into violating certain provisions; amending s. 633.304, F.S.; specifying that training courses offered by the State Fire College must include a written and a practical element and be approved by the State Fire Marshal; amending s. 633.416, F.S.; providing that certain persons serving as volunteer firefighters may serve as a regular or permanent firefighter for a limited period subject to certain restrictions; amending s. 843.08, F.S.; prohibiting false personation of personnel or representatives of the Division of Investigative and Forensic Services; providing criminal penalties; amending s. 943.045, F.S.; providing the investigations component of the Department of Financial Services is a criminal justice agency for specified purposes; amending s. 626.2815, F.S.; revising continuing education requirements for title insurance agents; amending s. 40, ch. 2019-40, Laws of Florida; renaming the Florida Blockchain Task Force as the Florida Financial Technology and Blockchain Task Force; revising the duties of the task force; revising the date of a report; deleting an obsolete provision; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Commerce Committee; and Insurance & Banking Subcommittee; Representative Clemons—

CS/CS/HB 1137—A bill to be entitled An act relating to consumer protection; amending s. 319.30, F.S.; revising provisions for systems used to execute electronic signatures for salvage certificates of title; amending s. 501.0051, F.S.; prohibiting consumer reporting agencies from charging to reissue or provide a new unique personal identifier to a consumer for the removal of a security freeze; amending s. 624.307, F.S.; revising a requirement for entities licensed or authorized by the Department of Financial Services or the Office of Insurance Regulation to respond to the department's Division of Consumer Services regarding consumer complaints; revising administrative penalties the division may impose for failure to comply; amending s. 626.112, F.S.; prohibiting unlicensed activity by an adjusting firm; providing an exemption; providing an exemption from licensure for branch firms that meet certain criteria; providing an administrative penalty for failing to apply for certain licensure; providing a criminal penalty for aiding or abetting unlicensed activity; deleting an obsolete provision; amending s. 626.602, F.S.; authorizing the department to disapprove the use of insurance agency names containing the words "Medicare" or "Medicaid"; providing an exception for certain insurance agencies; amending s. 626.621, F.S.; adding grounds on which the department may take certain actions against a license, appointment, or application of certain insurance representatives; amending ss. 626.782 and 626.783, F.S.; revising the definitions of the terms "industrial class insurer" and "ordinary-combination class insurer," respectively, to conform to changes made by the act; repealing s. 626.796, F.S., relating to the representation of multiple insurers in the same industrial debit territory; amending s. 626.8443, F.S.; increasing the maximum period of suspension of a title insurance agent's or agency's license; amending s. 626.854, F.S.; revising the timeframes in which an insured or claimant may cancel a public adjuster's contract to adjust a claim without penalty or obligation; requiring public adjusters to include itemized information in loss estimates; providing that failure by the public adjuster to provide such information within a specified timeframe restores the insured's right to cancel the contract without penalty or obligation; amending s. 626.856, F.S.; revising the definition of the term "company employee adjuster"; amending s. 626.916, F.S.; revising the classes of insurance subject to a disclosure requirement before being eligible for export under the Surplus Lines Law; amending s. 626.9541, F.S.; adding certain acts or practices to the definition of the term "sliding"; amending s. 626.9741, F.S.; requiring an insurer to include certain additional information when providing an applicant or insured with certain credit report or score information; amending ss. 626.9957 and 627.062, F.S.; conforming cross-references; amending s.

627.421, F.S.; requiring personal lines residential property insurers to annually deliver certain notifications to certain policyholders within a specified timeframe; amending s. 627.502, F.S.; prohibiting life insurers from writing new policies of industrial life insurance beginning on a certain date; amending s. 627.70131, F.S.; providing that communication made to or by an insurer's representative, rather than to or by an insurer's agent, constitutes communication to or by the insurer; requiring an insurer-assigned licensed adjuster to provide the policyholder with certain information in certain investigations; specifying requirements for insurers in notifying policyholders of certain changes in assigned adjusters; requiring an insurer to establish a process to provide the agent of record access to claim status information for a certain purpose; defining the term "agent of record"; requiring insurers to include specified notices when providing preliminary or partial damage estimates or certain claim payments; specifying the timeframe in which an insurer must pay or deny property insurance claims under certain circumstances; providing applicability; conforming provisions to changes made by the act; creating s. 627.7031, F.S.; prohibiting foreign venue clauses in certain property insurance policies; providing applicability; amending s. 627.7142, F.S.; revising information contained in the Homeowner Claims Bill of Rights; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 627.715, F.S.; extending the expiration date for provisions authorizing surplus lines agents to export flood coverage contracts or endorsements to insurers without seeking such coverage from specified entities; amending s. 631.57, F.S.; deleting a deductible on the Florida Insurance Guaranty Association's obligation relating to certain covered claims; amending s. 648.30, F.S.; prohibiting the aiding or abetting of unlicensed activity of a bail bond agent or temporary bail bond agent; providing penalties; amending ss. 717.124, 717.12404, 717.1315, and 717.1322, F.S.; conforming provisions to changes made by the act; amending s. 717.135, F.S.; replacing provisions relating to powers of attorney to recover unclaimed property with provisions relating to uniform forms for unclaimed property recovery agreements and purchase agreements; requiring the department to adopt the uniform forms by rule; specifying required information and disclosures in the forms; requiring that, for the purchase agreement form, proof the seller received payment be filed with the department along with the claim; requiring registered claimant's representatives to use the forms as the exclusive means of engaging with a claimant or seller to file claims and prohibiting them from using or distributing other agreements; specifying a limitation on fees and costs owed or paid; authorizing additional maximum total dollar fee and cost amounts for probated estate claimants; prohibiting certain language in the forms; authorizing the department to pay additional accounts owned by the claimant under certain circumstances; providing construction; repealing s. 717.1351, F.S., relating to the acquisition of unclaimed property; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Commerce Committee; and Insurance & Banking Subcommittee; Representative Yarborough—

CS/CS/HB 1439—A bill to be entitled An act relating to bank property of deceased account holders; amending s. 655.059, F.S.; specifying that a financial institution is not prohibited from disclosing specified information and providing copies of specified affidavits to certain persons relating to deceased account holders; creating s. 735.303, F.S.; providing definitions; authorizing a financial institution to pay funds on deposit in certain accounts to a specified family member of a decedent without any court proceeding, order, or judgment under certain circumstances; requiring the family member to provide the financial institution a certified copy of the decedent's death certificate and a specified affidavit in order to receive the funds; providing an affidavit form that the family member may use; providing that the financial institution has no duty to make certain determinations; specifying that a person does not have a right or cause of action against a financial institution for taking certain actions or for failing to take certain actions; providing liability for the family member who withdraws funds; requiring a financial

institution to maintain a copy or image of the affidavit for a specified time; authorizing the financial institution to provide copies of the affidavit to certain persons; providing penalties; creating s. 735.304, F.S.; providing that specified types of personal property are not subject to probate administration or formal proceedings under certain circumstances; providing that specified persons may request distribution of a decedent's assets by affidavit through an informal application under certain circumstances; providing requirements for such affidavits; requiring certain actions relating to the decedent's creditors; providing requirements for service of the affidavit on specified persons; authorizing the court to approve the payment, transfer, disposition, delivery, or assignment of personal property under certain circumstances; providing discharge from liability for certain individuals and entities under certain circumstances; providing certain bona fide purchasers protection from specified claims of creditors and from rights of spouses, beneficiaries, and heirs of decedents; providing for liability against certain personal property for a specified time; authorizing specified creditors to enforce claims and to be awarded costs under certain circumstances; providing liability of recipients of the decedent's personal property under certain circumstances; providing a limitation on liability of the decedent's estate and recipients of the estate under certain circumstances; providing an exception; authorizing specified heirs or devisees of a decedent to enforce all rights in proceedings under certain circumstances; providing for the award of costs and reasonable attorney fees under certain circumstances; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Reference

CS/CS/HB 203—Referred to the State Affairs Committee.

CS/CS/HB 343—Referred to the Calendar of the House.

CS/HB 783—Referred to the Calendar of the House.

CS/CS/HB 1439—Referred to the Calendar of the House.

HB 7089—Referred to the Commerce Committee and Judiciary Committee.

Cosponsors

HB 139—Goff-Marcil, Mercado

HJR 157—Fischer

HB 159—C. Watson

CS/HB 171—Fischer, Raschein, Zika

CS/HM 443—Fischer, Webb

HB 523—Fischer, Zika

CS/HB 551—Good

HB 725—Fischer

CS/CS/HB 1203—Webb

Reports of Standing Committees and Subcommittees

Received February 17:

The Commerce Committee reported the following favorably:
CS/HB 203 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.18(c). Under the rule, CS/HB 203 was laid on the table.

The Commerce Committee reported the following favorably:
CS/CS/HB 283 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.18(c). Under the rule, CS/CS/HB 283 was laid on the table.

The Commerce Committee reported the following favorably:
CS/HB 1077 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.18(c). Under the rule, CS/HB 1077 was laid on the table.

The Commerce Committee reported the following favorably:
CS/HB 1137 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.18(c). Under the rule, CS/HB 1137 was laid on the table.

The Commerce Committee reported the following favorably:

CS/HB 1439 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.18(c). Under the rule, CS/HB 1439 was laid on the table.

Received February 18:

The Judiciary Committee reported the following favorably:
CS/CS/HB 209 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.18(c). Under the rule, CS/CS/HB 209 was laid on the table.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Jacobs:

Yeas—February 13: 427, 428, 429

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